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Executive Order No. 30-96

EXECUTIVE ORDER PROCLAIMING AN
EMERGENCY TO EXIST IN MONTANA

WHEREAS, cold temperatures, high winds and drifting snow have combined to create severe winter storm conditions; and

WHEREAS, blizzards and drifting snow have caused road closures, disruption of essential services, power outages, and other serious problems; and

WHEREAS, heavy snow loads on roofs of public and private buildings have caused a serious safety threat to employees and the general public; and

WHEREAS, roofs have collapsed on several buildings causing considerable financial losses; and

WHEREAS, currently the state is experiencing chinook winds, above normal temperatures and warm rains which are posing a potential flooding threat; and

WHEREAS, these severe winter storms and potential flooding conditions have caused an imminent threat to life and property; and

WHEREAS, the availability and utilization of all necessary

state government services, equipment and supplies including the Montana National Guard under this proclamation will further the efforts to protect health and safety and to preserve the lives and property of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor under Section 10-3-104(2)(a), MCA, to suspend Section 2-18-501, MCA, to allow reasonable expenditures for food and lodging for activated National Guard and State Disaster and Emergency Services Division personnel responding to this emergency; and

WHEREAS, a proclamation of an emergency authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists within the State of Montana.

This Order is effective December 30, 1996.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 31st day of December, 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 29-96

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY
TO EXIST ON THE BLACKFEET RESERVATION,
AND IN THE TOWN OF BROWNING AND GLACIER COUNTY

WHEREAS, cold temperatures, high winds and drifting snow have combined to create severe winter storm conditions; and

WHEREAS, blizzards and drifting snow have caused road closures, disruption of essential services, power outages, and other serious problems on and around the reservation; and

WHEREAS, these severe winter conditions have caused life threatening situations and imminent threat to property, lack of immediate medical care and food shortages; and

WHEREAS, the Blackfeet Tribal Business Council has passed an Executive Committee Resolution, No. EX102-97(A) declaring a emergency to exist on the Blackfeet Reservation; and

WHEREAS, the Town of Browning has declared an emergency, Resolution No. 436, to exist in the Town of Browning; and

WHEREAS, Glacier County has declared an emergency, Resolution 96-26, to exist in Glacier County; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies including the Montana National Guard under this proclamation will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor under Section 10-3-104(2)(a), MCA, to suspend Section 2-18-501, MCA, to allow necessary expenditures for food and lodging for activated National Guard and State Disaster and Emergency Services Division personnel responding to this emergency; and

WHEREAS, a proclamation of an emergency authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that an emergency exists on the Blackfeet Reservation and in the Town of Browning and Glacier County.

This Order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana, this 27th day of November, 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

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Executive Order No. 28-96

EXECUTIVE ORDER CONTINUING THE
GOVERNOR'S HIV/AIDS ADVISORY COUNCIL

WHEREAS, the Human Immunodeficiency Virus (HIV), the virus that causes Acquired Immunodeficiency Syndrome (AIDS), claims a life in the United States every fifteen minutes, is the leading cause of death for men between the ages 25-44 and the fourth leading cause of death for women between the ages of 25-44; and

WHEREAS, Montana State Government has a significant interest in protecting the public health; and

WHEREAS, Montana has both the opportunity and the obligation to provide a constructive response to this HIV epidemic; and

WHEREAS, such a response necessarily requires the commitment and resources of all levels of government coupled with a firm partnership with the private sector in order to effectively stem the spread of this disease; and

WHEREAS, the 1994 "Report to the Governor: Montana Responds to HIV/AIDS" and previous AIDS advisory councils have recommended the multiplicity of issues that transcend the

singular responsibility of any one state agency; and

WHEREAS, the need for an advisory and leadership mechanism is critical for an effective and publicly supported response to a very serious public health issue.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by the authority vested in me by Article VI, Section 4 of the Montana Constitution, and Section 2-15-201, MCA, do hereby continue the Governor's HIV/AIDS Advisory Council.

I. PURPOSE

The Council shall provide the leadership required to recommend public policy to the Governor and Department Directors that assures the initiation, coordination, promotion, implementation and evaluation of services and activities that can effectively arrest the spread of the HIV infection and provide humane treatment for those that are or become infected.

II. DUTIES

The Department of Public Health and Human Services shall organize Regional HIV Prevention Community Planning groups according to the Governor's Health Planning Districts and in accordance with the Centers for Disease Control's HIV Prevention Community Planning process guidance. These regional planning groups shall submit recommendations for a comprehensive Montana HIV prevention plan to the Council for review & response.

The Council shall meet regularly at the call of its Chair

to seek information, discuss strategies to fulfill its purpose and act in its discretion to carry out the decisions it reaches.

III. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Public Health and Human Services and the Secretary of State. Staff support shall be provided by the Department of Public Health & Human Services.

IV. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless extended by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 26th day of November, 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

42
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No. 27-96

State of Montana
Office of the Governor

Executive Order No. 27-96

EXECUTIVE ORDER CREATING THE
MONTANA RESEARCH AND DEVELOPMENT TASK FORCE

WHEREAS, it is the policy and goal of the State of Montana under Title 90, Chapter 3, MCA, "to encourage scientific and technological development within the state in order to keep pace with a changing economic structure and to create new jobs and expand business opportunities"; and

WHEREAS, research into new technologies is a major component of the state's economic development strategy; and

WHEREAS, the development of new technology and its application has been viewed as critical to the long-range economic and social future of the state and nation; and

WHEREAS, academic studies, human resource development, and economic goals can be integrated through research and technology development; and

WHEREAS, the state must contribute funds to match those from other sources in order to participate in certain federal and other research and development programs.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of

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Montana, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby create the Montana Research and Development Task Force (Task Force).

I. PURPOSE

The Task Force shall:

A. Recommend a plan to the Governor that will provide for state participation in research and development projects undertaken in the state's public institutions of learning. The recommendations must address, but not be limited to, the following:

1. source and amount of funds to be made available;
2. administration of funds to ensure accountability;
3. projects which qualify for funding;
4. structure of funds disbursed; and

B. Recommend to the Governor a plan that will provide ongoing counsel to the Governor, the Legislature, and other appropriate state agencies concerning the status of global research and development proposals that may provide world-wide and specific opportunities to maximize Montana resources.

II. COMPOSITION

The Task Force shall be comprised of not more than fifteen members appointed by the Governor. The names and addresses of the members, who serve at the pleasure of the Governor, are submitted by separate letter to the Secretary of State. The Chairman shall also be appointed by the

Governor.

III. ADMINISTRATION

The Task Force shall be attached to the Department of Commerce for administrative purposes.

IV. COMPENSATION

The Task Force members eligible for compensation under Section 2-15-122(5), MCA, shall be compensated through the Department of Commerce for each day actually and necessarily engaged in the performance of Task Force duties. All members, who are not full-time state employees shall be reimbursed for travel expenses, pursuant to Section 2-15-122(5), MCA.

V. DURATION

The Council shall exist until December 31, 1996, unless extended by subsequent Executive Order.

This order shall be effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 24th day of October, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 26-96

EXECUTIVE ORDER TERMINATING THE VOCATIONAL EDUCATION ADVISORY COUNCIL CONTINUED BY EXECUTIVE ORDER 9-95

Whereas, the federal appropriation previously provided by the Carl Perkins Act to support Vocational Education Advisory Councils has been eliminated; and

WHEREAS, federal funding for employment and education programs is generally decreasing, making resources for direct services to the public increasingly scarce; and

WHEREAS, the State of Montana has established the state human resource investment council, known as the Workforce Preparation Coordinating Council in accordance with Title VII of the Job Training Partnership Act; and

WHEREAS, the Workforce Preparation Coordinating Council is currently charged with providing an integrated, accessible and effective employment, training, and education system, specifically including vocational education.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, do hereby

terminate the continuation of the Vocational Education Advisory Council ordered in Executive Order 9-95.

This Order is effective September 30, 1996

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 24th day of September, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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No.25-96

State of Montana

Office of the Governor

Executive Order No. 25-96

EXECUTIVE ORDER CONTINUING THE
MONTANA HISTORICAL RECORDS ADVISORY COUNCIL

WHEREAS, Public Law 93-536 requires the Governor of each state desiring to participate in the National Historical Publications Program to establish an Historical Records Advisory Council; and

WHEREAS, the State of Montana has demonstrated an interest in the care of historical records.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically 2-15-122, MCA, and Public Law 93-536, do hereby continue the Montana Historical Records Advisory Council.

I. PURPOSE

Pursuant to Public Law 93-536 and the implementing regulations, the Council shall serve as the central advisory body in the State of Montana for the care, storage, and disposition of historical records, and shall review and evaluate grant proposals made to the National Historical -Publications

and Records Commission (NHPRC), an Office of the National Archives and Records Administration. The Council is authorized to receive funds pursuant to Public Law 93-536.

II. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Montana Historical Society and the Secretary of State.

III. ADMINISTRATION

The Council shall be attached to the Montana Historical Society for administrative purposes.

IV. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless extended by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 24th day of September, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 24-96

EXECUTIVE ORDER CONTINUING AND REAPPOINTING
THE MONTANA FAMILY SUPPORT SERVICES ADVISORY COUNCIL

WHEREAS, the Montana Legislature authorized the State of Montana to apply for funding to implement the state grant program for infants and toddlers as established under the Education of Handicapped Act Amendments of 1986, PL 99-457, (renamed and amended under its reauthorization in October, 1990, as the Individuals with Disabilities Education Act, PL 101-476); and

WHEREAS, the Disabilities Services division of the Department of Public Health and Human Services has been designated the lead agency for early intervention and family support services provided for under Title 1, Part H of the Individuals with Disabilities Education Act; and

WHEREAS, to be eligible for participation in the state grant program for infants and toddlers, the Governor must appoint an Interagency Coordinating Council of at least 15 but not more than 25 members, to advise the Disabilities Services Division regarding issues of early intervention and family

support in Montana; and

WHEREAS, the Family Support Services Advisory Council exists to advise the Disabilities Services Division regarding the State of Montana's intent to continue to plan, develop, and implement a statewide, comprehensive, multi-disciplinary, coordinated program of early intervention and family support services for children aged birth to five, inclusive, and their families.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the constitution and laws of the State of Montana, do hereby continue the Montana Family Support Services Advisory Council.

I. PURPOSE

The Council shall carry out all duties assigned pursuant to Public Law 101-476 and amendments thereto.

II. COMPOSITION

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Public Health and Human Services and the Secretary of State.

III. DURATION

This Council shall exist for a period of two years from the effective date of this Order unless otherwise rescinded or extended by subsequent executive order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 11th day of September, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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342
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No. 23-96

State of Montana
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Executive Order No. 23-96

EXECUTIVE ORDER PROCLAIMING CONDITIONS AS DEFINED IN SECTIONS 10-3-103 AND 10-3-302, MCA, TO EXIST AS A RESULT OF WILDLAND FIRES AFFECTING WHEATLAND, GOLDEN VALLEY, MUSSELSHELL, SWEET GRASS, STILLWATER, CARBON, YELLOWSTONE, BIGHORN, TREASURE, ROSEBUD, PRAIRIE, WIBAUX,CUSTER, FALLON, POWDER RIVER AND CARTER COUNTIES

WHEREAS, extremely dry conditions and high winds have combined to create hazardous fire conditions in identified areas of the state; and

WHEREAS, wildland fires are currently burning and have created an imminent threat of disaster which timely action can avert or minimize; and

WHEREAS, these conditions authorize the Governor to mobilize state resources and the Montana National Guard to protect life, health and property, and authorize the Governor under Section 10-3-312(b), MCA, to expend funds from the general fund to meet contingencies arising from the emergency.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10,

Chapter, MCA, and under other applicable statutes, do hereby declare that a state of emergency exists in the State of Montana as defined in Sections 10-3-103 and 10-3-302, MCA.

This Order is given immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 5th day of September, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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342
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No 22-96

State of Montana
Office of the Governor

Executive Order No. 22-96

EXECUTIVE ORDER CONTINUING THE
RISK MANAGEMENT ADVISORY COMMITTEE

WHEREAS, The Department of Administration, pursuant to Section 2-9-101, MCA, is charged with the acquisition and administration of all insurance purchased for the protection of the state; and

WHEREAS, the Department of Administration shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state ("state participants") provide a comprehensive insurance plan for the state; and

WHEREAS, all offices, departments, agencies, authorities, commissions, boards, institutions, hospitals, colleges, universities, and other state participants are statutorily required to comply with the insurance plan developed by the Department of Administration pursuant to Section 2-9-201, MCA; and

WHEREAS, risk management is an essential component in the formation of a comprehensive state insurance plan; and

WHEREAS, a systematic and organized approach to managing

risks through cost effective risk management techniques and insurance coverage will reduce the conditions and practices which cause insurable losses; and

WHEREAS, the protection of Montana's physical and human resources is of vital interest to our citizens and to our well being as a state.

NOW, THEREFORE, I, MARC RACICOT, by virtue of the authority vested in me as Governor by the Constitution and laws of the State of Montana and Section 2-15-122, MCA, do hereby establish the Risk Management Advisory Committee.

I. PURPOSE:

The purpose of the Committee shall be as follows:

1. Make recommendations to the Governor, other elected officials, and department directors on implementation of:

   a. a risk management plan within each instrumentality of state government; and

   b. risk awareness activities as an integral part of operating procedures.

2. Serve in an advisory capacity to resolve problems which may arise with insurance coverage or risk management concerns involving protection of state assets and resources.

3. Disseminate and collect insurance and risk management information from state agencies to maintain and preserve the insurability and viability of state assets.

4. Review alternatives and make recommendations for

adoption of risk management policies and, when necessary, recommend administrative or legislative action.

I further direct the Department of Administration, in accordance with general policy direction established by the Division of Risk Management and Tort Defense, and in cooperation with other instrumentalities of state government, to develop and annually update and present to the Governor a recommended risk management plan.

The plan shall provide for the effective and efficient allocation of insurance and risk management resources and shall address the need for collecting, summarizing, and disseminating insurance, risk management, claims, and loss prevention information.

II. COMPOSITION:

The Risk Management Advisory Committee shall be composed of one representative from each of the following areas of state government:

1) Commissioner of Higher Education
2) Department of Administration
3) Department of Agriculture
4) Department of Commerce
5) Department of Corrections
6) Department of Environmental Quality
7) Department of Fish, Wildlife & Parks
8) Department of Justice
9) Department of Labor & Industry

10) Department of Livestock

11) Department of Military Affairs

12) Department of Natural Resources & Conservation

13) Department of Public Health and Human Services

14) Department of Revenue

15) Department of Transportation

16) Governor's Office (represented by the Director of the Department of Administration)

17) Historical Society

18) Legislative Services Division

19) Montana Judiciary

20) Office of Public Instruction

21) Office of Secretary of State

22) Public Service Commission

23) State Auditor's Office

24) State Compensation Insurance Fund

The Director of the Department of Administration, or his/her designee, shall serve as chairperson and shall represent the Governor's Office. The full committee shall convene at least annually. Subcommittees consisting of uniform or similar risk management issues shall convene from time to time as requested by the chairperson.

The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Administration and the Secretary of State.

III. DURATION:

This Advisory Council shall exist for two years from the effective date of this order unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 26th day of August, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 21-96

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST STATEWIDE IN THE STATE OF MONTANA

WHEREAS, extremely dry conditions and high winds have combined to create hazardous fire conditions throughout the State, and

WHEREAS, wildland fires are currently burning and have created an imminent threat of a disaster which timely action can avert or minimize, and

WHEREAS, these conditions authorize the Governor to mobilize state resources and the Montana National Guard tprotect life,health, and property and authorize the Governor under Section 10-3-312 (b),MCA, to expend funds from the general fund to meet contingencies arising from the emergency.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of

Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes,do hereby declare that a state of emergency exists in the State of Montana as defined in Sections 10-3-103 and 10-3-302, MCA.

This order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana, this 16th day of August, 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney by Jerry Sullivan, Deputy

MIKE COONEY, Secretary of State

342
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Executive Order No. 20-96

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EXECUTIVE ORDER PROCLAIMING CONDITIONS AS DEFINED IN SECTIONS 10-3-103 AND 10-3-302, MCA, TO EXIST AS A RESULT OF WILDLAND FIRES AFFECTING GLACIER, TOOLE, PONDERA, TETON, LEWIS & CLARK, CASCADE, JUDITH BASIN, MEAGHER, BROADWATER, PARK, GALLATIN, & JEFFERSON COUNTIES

WHEREAS, extremely dry conditions and high winds have combined to create hazardous fire conditions in identified areas of the state; and

WHEREAS, wildland fires are currently burning and have created an imminent threat of disaster which timely action can avert or minimize; and

WHEREAS, these conditions authorize the Governor to mobilize state resources and the Montana National Guard to protect life, health and property, and authorize the Governor under Section 10-3-312(b), MCA, to expend funds from the general fund to meet contingencies arising from the emergency.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of

Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes , do hereby declare that a state of emergency exists in the State of Montana as defined in Sections 10-3-103 and 10-3-302, MCA.

This order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana this 10th day of August, 1996

MARC RACICOT
Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 19-96

EXECUTIVE ORDER CONTINUING THE
MONTANA LEWIS & CLARK BICENTENNIAL ADVISORY COUNCIL

WHEREAS, the Lewis and Clark Expedition has great historical significance to the State of Montana; and

WHEREAS, the 200th anniversary of the Lewis & Clark Expedition will occur in the years 2003-2006; and

WHEREAS, Montana needs to plan its involvement in, and coordinate state activities for, this bicentennial celebration; and

WHEREAS, it is important that Montana consult with other states and national organizations concerned with the celebration of the Lewis and Clark Bicentennial.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically 2-15-122, MCA, do hereby continue the Lewis and Clark Bicentennial Advisory Council.

I. <u>PURPOSE</u>

The purpose of the Advisory Council is to recommend to the

Governor ways in which the Council can:

1. promote public awareness of the historical significance of the Lewis and Clark Expedition and encourage the identification, appreciation, and protection of historical sites and outdoor recreation resources along the Lewis and Clark route;

2. coordinate with other Montana commissions, bureaus, agencies, and boards regarding the Council's activities that relate to the history of the Lewis and Clark Expedition, thereby fostering state recognition of the Lewis and Clark Bicentennial;

3. accept donations, generate revenue and disperse funds to assist in the development of Montana-based events commemorating the Lewis and Clark Bicentennial; and

5. communicate and conduct activities with other states along the Lewis and Clark route, the National Lewis and Clark Trail Heritage Foundation, Inc., the Lewis and Clark National Historic Trail Interpretive Center, the National Park Service's Lewis and Clark National Historic Trail Supervisor's Office and other federal departments, bureaus and committees concerned with the Lewis and Clark Bicentennial for the purpose of fostering state and national recognition of the significance of the Lewis and Clark Expedition.

II. <u>COMPOSITION</u>

The Montana Lewis and Clark Bicentennial Advisory Council

shall be comprised of not more than 20 members. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Commerce, the Department of Fish, Wildlife and Parks, the Montana Historical Society and the Secretary of State. Staff support shall be provided by the Montana Historical Society.

III. COMPENSATION

Council members eligible for compensation under 2-15-122(5), MCA, shall be compensated by the Department of Commerce, Tourism Promotion Division, at $25 for each day actually and necessarily engaged in the performance of Council duties. All members shall be reimbursed for travel expenses pursuant to 2-15-122(5), MCA.

IV. DURATION

This Council shall exist for a period of two years from the effective date of this Executive Order, unless otherwise ordered by subsequent Executive Order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 2nd day of August, 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney

MIKE COONEY, Secretary of State

342
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Executive Order No. 18-96

EXECUTIVE ORDER CONTINUING THE
GOVERNOR'S ADVISORY COUNCIL ON DISABILITY

WHEREAS, the Americans with Disabilities Act (ADA) opens the doors of opportunity for Montana's citizens with disabilities to become employees, taxpayers and welcome participants in the operations of their state government; and

WHEREAS, these opportunities are contingent on equal access to employment, services, and information provided by state agencies; and

WHEREAS, effective compliance with the Americans with Disabilities Act by state government can serve as a model for employers and service providers throughout Montana; and

WHEREAS, the compliance of state agencies with the American with Disabilities Act will be coordinated by the Department of Administration and the Department's ADA Coordinator; and

WHEREAS, this compliance and coordination will be reinforced and enhanced through the participation and advice of concerned employees and citizens, including persons with disabilities.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me under the laws of the State of Montana, do hereby establish the Governor's Advisory Council on Disability.

I. PURPOSE

The Advisory Council shall advise the Department of Administration, the ADA Coordinator and the Governor's Office on issues affecting the implementation of the Americans with Disabilities Act in State Government, including:

1. recommending steps to promote the proactive implementation of the Americans with Disabilities Act in Montana State Government with emphasis on both Title I and Title II;

2. recommending steps to promote the development of employment opportunities for Montanans with disabilities in state government agencies with the same terms, conditions and privileges of employment enjoyed by other state employees;

3. identifying specific problems affecting the access of people with disabilities to the programs, services, activities, and information provided by state agencies;

4. identifying specific problems affecting the opportunity for people with disabilities to actively participate in the operation of their government;

5. recommending steps to insure that state government provides a model for other Montana employers for compliance and implementation of the Americans with Disabilities Act; and

6. sharing of the information with other employers and

organizations, including the President's Committee on Employment of Persons with Disabilities, to promote the effective implementation of the Act throughout Montana.

II. COMPOSITION

The Governor shall appoint seven voting members to the Advisory Council. Additional non-voting, ex-officio members may be appointed as deemed necessary to represent other councils, committees or programs. At least four voting members must be individuals with disabilities. The membership must be drawn from consumers of state government services, associations or councils representing people with disabilities, and state employees. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Department of Administration and the Secretary of State.

The Chair and Vice Chair must be elected by a vote of the Advisory Council at the first meeting of the Council under this Executive Order.

The Department of Administration shall provide administrative support to the Advisory Council necessary to permit the Council to conduct quarterly meetings.

III. DUTIES

The Advisory Council shall meet no less than quarterly to be determined by the Council, in cooperation with the Department of Administration, to assure that the Council has adequate opportunity to review the activities of the ADA Coordinator and provide appropriate advice.

Any number of voting members constitutes a quorum. Business may be conducted by a majority of the voting members present.

IV. COMPENSATION

Council members' expenses eligible for compensation under Section 2-15-122(5), MCA, shall be paid by the Department of Administration at the rate of $25 for each day actually and necessarily engaged in the performance of Council duties. All members shall be reimbursed for travel expenses pursuant to 2-15-122(5), MCA.

V. DURATION

This Advisory Council remains in existence for a period of two years from the effective date of this order.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 6th day of August, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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No 17-96

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Executive Order No. 17-96

EXECUTIVE ORDER ESTABLISHING THE
VIRGINIA CITY/NEVADA CITY PRESERVATION TASK FORCE

WHEREAS, the towns of Virginia City and Nevada City, Montana, are recognized by both the general public and professional historians as central to Montana's heritage and culture; and

WHEREAS, these two towns represent major heritage resources significant both statewide and nationally as the best representation of Western gold rush sites extant; and

WHEREAS, the owner of these towns because of financial considerations has chosen to place them for sale; and

WHEREAS, the decision to acquire these resources must be made before June 30, 1997; and

WHEREAS, the loss of these buildings and their contents for public visitation, appreciation, and tourism opportunities would represent an irretrievable loss for Montana.

NOW THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and laws of the State of Montana, specifically 2-

15-122, MCA, do hereby establish the Virginia City/Nevada City Preservation Task Force.

I. PURPOSE

The purpose of the Task Force is to research, consider and recommend to the Governor and the Legislature:

A. the best methodologies for financing and acquiring the buildings and contents of Virginia City and Nevada City now owned by Ford Bovey;

B. the most effective strategies to operate, manage, and market the facilities as cultural and tourism destinations;

C. the best and most workable management/ ownership approaches; and

D. the appropriate fiscal and cultural decisions to assure that the buildings and contents will be conserved and maintained to survive long into the future.

II. COMPOSITION

The Virginia City/Nevada City Preservation Task Force shall be comprised of not more than thirteen members, with one member serving as chairperson. The names and addresses of members who will serve at the pleasure of the Governor are submitted by separate letter to the Montana Historical Society and the Secretary of State. Staff support shall be provided by the Montana Historical Society.

III. COMPENSATION

Task Force members eligible for compensation under 2-15-122(5), MCA, shall be compensated by the Montana Historical

Society, at $25 for each day actually and necessarily engaged in the performance of Task Force duties. All members shall be reimbursed for travel expenses pursuant to 2-15-122(5), MCA.

IV. ADVISORY

The National Trust for Historic Preservation shall be asked to provide any possible advice and expertise on financing, ownership, operation, and curation.

The Office of Budget and Program Planning shall provide advice and guidance on methods and strategies for acquiring and financing the facilities.

V. DURATION

This task force shall exist until the production of a final report containing recommendations for legislation for consideration by the Governor and Legislature, but no later than November 30, 1996.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 16th day of July, 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 10-96

EXECUTIVE ORDER AUTHORIZING INCIDENT RESPONSE AUTHORITY IN THE STATE OF MONTANA

WHEREAS, the events occurring in the State of Montana have reduced the availability of emergency resources; and

WHEREAS, the anniversary of Waco and Oklahoma City bombing have created a higher awareness for preparedness for response to emergencies or disasters; and

WHEREAS, these conditions authorize the Governor to activate state resources to protect life, health and property; and

WHEREAS, a proclamation of an incident response authorizes the Governor under Section 10-3-310, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby

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activate the portion of the State Emergency Operations Plan pertaining to incident response for the period of April 18 through April 21, 1996.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 23rd day of April 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 9-96

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN PHILLIPS COUNTY

WHEREAS, a train carrying hazardous materials has derailed in western Phillips County; and

WHEREAS, these conditions may cause life threatening situations and imminent threat to people, property and livestock; and

WHEREAS, these conditions pose a threat to the environment; and

WHEREAS, U.S. Highway 2 has been closed causing a disruption in intrastate transportation; and

WHEREAS, these conditions authorize the Governor to activate State resources to protect life, health and property; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Section 10-3-302, MCA, and under other applicable statutes, do hereby declare an emergency to exist in Phillips County.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 17th day of April 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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Executive Order No. 8-96

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY TO EXIST IN MISSOULA AND MINERAL COUNTIES

WHEREAS, a train carrying hazardous materials has derailed in western Missoula County; and

WHEREAS, the rupture of a chlorine tank car has caused injuries and forced the evacuation of over 1,000 people; and

WHEREAS, these conditions are causing life threatening situations and are an imminent threat to people, property and livestock; and

WHEREAS, interstate transportation systems have been disrupted; and

WHEREAS, these conditions authorize the Governor to activate State resources to protect life, health and property; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, Section 10-3-302, MCA, and under other applicable statutes, do hereby declare an emergency to exist in Missoula and Mineral Counties.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 11th day of April 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 7-96

EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN MONTANA

WHEREAS, unseasonably warm temperatures mixed with rainfall have produced a rapid snow melt, causing ice jams and flooding, and have forced the evacuation of residences and caused damage to public and private property in the state; and

WHEREAS, local jurisdictions are committing all available resources and taking all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to meet the conditions; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this proclamation will further the efforts to protect health and safety and preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend

funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that a disaster exists within the State of Montana.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 14th day of March 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 6-96

EXECUTIVE ORDER CONTINUING THE
CAPITAL FINANCE ADVISORY COUNCIL

WHEREAS, the Montana State Legislature has authorized state agencies to incur debt by issuing notes, bonds, and certificates to the public to support a wide variety of activities in furtherance of various public purposes; and

WHEREAS, a coordinated approach to issuing obligations would enhance marketing of these obligations by the State of Montana; and

WHEREAS, it is necessary to present a coordinated strategy to finance Montana's capital investment to the rating agencies to enhance the credit ratings of obligations issued by the state; and

WHEREAS, it is desirable to communicate to investors, underwriters, and credit analysts the state's debt management policies and financial plans so that these market participants understand the state's management and control of debt issuance practices; and

WHEREAS, it is desirable to maintain a council whose purpose is to review, analyze, coordinate, and harmonize the borrowing patterns of the state.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me in accordance with Section 2-15-122, MCA, do hereby continue the Capital Finance Advisory Council.

I. DEFINITIONS

As used in this Order, the following terms have the following meaning:

1. "Council" means the Capital Finance Advisory Council.
2. "Issuer" means any state agency that issues obligations authorized by state law.
3. "Agency" means any state agency under the authority of the Governor as enumerated in Title 2, chapter 15, MCA.
4. "Obligations" means notes, bonds, or certificates issued or to be issued by any state agency to finance one or more activity, program, or project, including obligations issued in anticipation of taxes, income, or revenues derived from any source or to redeem or refinance outstanding obligations.

II. COMPOSITION

The Governor shall appoint 13 members to the Council. The members shall serve at the pleasure of the Governor. The

names and addresses of the members shall be submitted by separate letter to the Secretary of State and the Department of Administration.

The Director of the Department of Administration shall chair the Council, and the Council is attached to the department for administrative purposes. Employees of the Department of Administration shall serve as staff to the Council as directed by the chairperson.

III. DUTIES OF THE ADVISORY COUNCIL

1. The Council shall:

a. provide continued oversight of state obligations and review the form of obligations to ensure consistency with authorizing legislation and state financial policies;

b. prepare a state debt management plan and review, analyze and monitor the trends in state obligations to provide information to issuers to make informed decisions about financing methods and the structuring and timing of obligations;

c. compile and continually update a statewide master debt issuance schedule from agency financing plans to facilitate coordination of debt issues;

d. advise and make recommendations to the Governor as it deems appropriate; and

e. notify members of the Board of Examiners of all meetings, invite Board participation, and keep the Board informed about Council activities.

2. The Council may not supersede the activities or authority of independent agencies, but shall serve as a coordinating council to provide a formal linkage of information among and between state obligation issuers, thereby serving as an effective mechanism to promote fiscal management.

IV. DUTIES OF STATE AGENCIES

1. To assist the Council in preparing a master obligation schedule, each issuer shall submit, as requested, a financing plan identifying the amounts to be borrowed, keep approximate time of debt issuance, a description of the projects or programs to be financed, an explanation of the security structure supporting the proposed obligation, and an explanation of the purpose of the financing, along with the key features to the extent known.

2. All agencies shall cooperate with and provide such assistance as the Council may request.

3. The Department of Administration shall consult with the Council in employing and establishing the duties of a statewide financial advisor.

V. COMPENSATION

Members will be compensated as provided in Section 2-15-122(5), MCA. Each board, authority, corporation, or agency is responsible for the expenses incurred by its representative on the Council. The Department of Administration is responsible for the expenses incurred by legislative representatives.

VI. DURATION

This Advisory Council shall exist for two years from the effective date of this order unless extended or terminated by subsequent Executive Order.

This Order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana, this 27th day of February, 1996

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 5-96

EXECUTIVE ORDER CREATING THE MONTANA LOW INCOME ENERGY ADVISORY COUNCIL

WHEREAS, affordable energy is an integral part of basic shelter; and

WHEREAS, many low-income Montanans, including the elderly, have extreme difficulty in affording basic shelter and energy costs without assistance from other sources; and

WHEREAS, federal funding for energy assistance and weatherization has decreased dramatically since the mid-1980's, and is expected to be phased out or significantly cut as part of overall deficit reduction; and

WHEREAS, current nonfederal resources (utilities, charitable organizations, individual donors) are having difficulty making up the shortfall between low-income energy needs and dwindling federal resources; and

WHEREAS, advocacy and fundraising through a joint public-private partnership is needed to ensure affordable shelter and energy costs for low-income Montanans.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me by the laws of the State of Montana, do hereby create the Low Income Energy Advisory Council ("Council").

I. PURPOSE

The Council shall advise the Department of Public Health and Human Services and the Governor's Office on issues affecting low-income energy assistance in Montana, including:

A. identifying the scope of the current need for low-income energy assistance in Montana;

B. reviewing the status of Montana's current public and private programs to provide energy assistance to low-income people;

C. recommending a plan for meeting Montana's need for low-income energy assistance and weatherization to assure that both short-term and long-term energy and shelter needs are addressed;

D. identifying resources needed to fulfill the plan and develop, advocate and aid in implementing strategies to secure the identified resources.

II. COMPOSITION

The Council shall be comprised of fourteen members appointed by the Governor. The names and addresses of the members, who shall serve at the pleasure of the Governor, are

submitted by separate letter to the Secretary of State and the Department of Public Health and Human Services. The make-up of members shall include:

A. four members from public or private sector energy-related enterprises;

B. three members from major private sector non-energy-related enterprises;

C. one member from the Department of Public Health and Human Services;

D. one member from the Department of Environmental Quality;

E. two members from the general public;

F. one member who is a LIEAP recipient;

G. one member of the Montana State Legislature;

H. one member of the Montana Public Service Commission.

III. ADMINISTRATION

The Council shall be attached to the Department of Public Health and Human Services for administrative purposes. The Council may, if deemed necessary, establish or designate a separate organization for the purpose of accepting and distributing funds received.

IV. COMPENSATION

Council members eligible for compensation under Section 2-15-122(5), MCA, shall be compensated by the Department of

342
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No. 4-96

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Executive Order No. 4-96

EXECUTIVE ORDER CONTINUING THE PEACE OFFICERS STANDARDS AND TRAINING ADVISORY COUNCIL

I, MARC RACICOT, by virtue of the authority vested in me as Governor by the Constitution and laws of the State of Montana, and specifically pursuant to Section 2-15-122, MCA, do hereby continue the existing Peace Officers Standards and Training Advisory Council within the Board of Crime Control

I. PURPOSE

The Council shall establish priorities, aid in planning programs, and make recommendations regarding the improvement of law enforcement in the State of Montana.

II. COMPOSITION

A. The Peace Officers Standards and Training Advisory Council shall be composed of 15 members. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the

Attorney General and the Secretary of State.

III. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless otherwise ordered by subsequent Executive Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 15th day of February 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

342
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Executive Order No. 3-96

EXECUTIVE ORDER PROCLAIMING A DISASTER
TO EXIST IN MONTANA

WHEREAS, unseasonably warm temperatures mixed with rainfall have produced a rapid snow melt, causing ice jams and flooding, and have forced the evacuation of residences and caused damage to public and private property in the state; and

WHEREAS, local jurisdictions are committing all available resources and taking all possible actions to respond, mitigate and alleviate the situation, and the local resources are not sufficient to meet the conditions; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this proclamation will further the efforts to protect health and safety and preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend

funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that a disaster exists within the State of Montana.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 7th day of February 1996.

Marc Racicot

MARC RACICOT, Governor

ATTEST:

Mike Cooney by Les Ladue, Deputy

MIKE COONEY, Secretary of State

342
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Executive Order No. 2-96

EXECUTIVE ORDER PROCLAIMING AN EMERGENCY
TO EXIST IN THE CITY OF CHOTEAU AND TETON COUNTY

WHEREAS, extreme cold temperatures, high winds and drifting snow have caused the disruption of natural gas service and the loss of heating capabilities to the City of Choteau and the surrounding area in Teton County; and

WHEREAS, these severe weather conditions have caused life threatening situations and an imminent threat to people, property and livestock; and

WHEREAS, the City of Choteau and Teton County have declared emergencies and have requested the Governor to do the same; and

WHEREAS, a proclamation of an emergency or disaster authorizes the Governor under Section 10-3-311, MCA, to expend funds from the general fund to meet contingencies and needs arising from these conditions.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor

under the Constitution of the State of Montana and Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare a disaster to exist in the City of Choteau and Teton County.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 2nd day of February 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State

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No 1-96

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Executive Order No. 1-96

EXECUTIVE ORDER CONTINUING THE MARTIN LUTHER KING, JR. COMMEMORATIVE COMMISSION (FORMERLY CALLED THE HUMAN RIGHTS ADVISORY COUNCIL)

WHEREAS, Dr. Martin Luther King, Jr. summoned from every American and Montanan qualities that guide and sustain the American spirit and our nation's commitment to equality, justice, freedom and peace, and he awakened our national pride and the essential goodness of our people by leading an American nonviolent movement that enriched our moral purpose as a nation; and

WHEREAS, this human rights movement advocated nonviolent methods of social change in the struggle for justice, equality and freedom, and raised the consciousness of our country through Dr. King's personal dream of a nation where all people are judged, not by the color of their skin, but by the content of their character; and

WHEREAS, Dr. Martin Luther King, Jr. was recognized on November 2, 1983 by the United States Congress and the President of the United States in the enactment of legislation

establishing the third Monday in January as a national holiday in celebration of Dr. King's birthday, beginning in 1986; and

WHEREAS, the State of Montana recognizes the significance of Dr. King's life and accomplishments in human rights and passed Senate Bill 78 in 1991, which set aside the third Monday in January as Martin Luther King, Jr./Human Rights Day.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me under the laws and Constitution of the State of Montana, do hereby continue the Martin Luther King, Jr. Commemorative Commission in order to:

1. encourage appropriate ceremonies and activities honoring the legal holiday honoring Dr. Martin Luther King, Jr.;

2. provide advice and assistance to individuals, governments and private organizations concerning the observance of this holiday;

3. work diligently to promote throughout the state education and awareness of the principles of nonviolence and respect for human rights for all;

4. facilitate workshops and training in human rights to be utilized by public and private sectors and school systems;

5. develop a library of applicable data and resource materials.

6. seek to involve all sectors, private and public, in

a conscious effort to recognize, resolve and resist racism; and

7. forward an annual report on its activities to the Governor.

The membership of the Advisory Council shall represent and reach out to particular groups within the community, such as ethnic minorities, elected officials, students, and groups associated with various religions, education, business, labor, youth, peace and justice, and civil and human rights. The names and addresses of members who shall serve at the pleasure of the Governor are submitted by separate letter to the Secretary of State.

The Council shall exist for a period of two years from the effective date of this Order. This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 10th day of January 1996.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State